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## **Exploring the Characteristics and Outcomes of 241.1 Youth Crossing Over from Dependency to Delinquency in Los Angeles County**

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*As a growing number of counties and local superior courts examine the issue of youth involved in both the juvenile delinquency and dependency systems, they find that little data are available to inform decision making. Researchers from California State University, Los Angeles, and the University of Illinois at Urbana-Champaign partnered with the Superior Court of Los Angeles County and the Los Angeles County Department of Children and Family Services to examine the characteristics and processing of crossover youth who entered the juvenile delinquency system from the juvenile dependency system in Los Angeles County.*

The term *crossover youth* generally refers to youth who are victims of abuse or neglect and who committed an offense that brought them into the delinquency system. These youth are also commonly referred to as dual-jurisdiction youth or dually involved youth. A youth typically becomes a crossover youth in one of three ways. One way is when a youth enters the child welfare system because of sustained allegations of abuse or neglect and then commits an offense that causes him or her to enter the delinquency system while under the care and custody of child protective services. A second way is when a youth with a prior, but not current, contact in child welfare commits an offense and enters the delinquency system. A third possible way is when a youth with no prior child welfare system contact enters the delinquency system and the probation department refers the case to the child welfare system for further investigation of abuse or neglect.

For the purposes of this research brief, the term crossover youth refers to youth who are in the care and custody of the child welfare system and are subsequently charged with an offense. In particular, the current study examines the characteristics of crossover youth processed in Los Angeles County's juvenile court between April 1 and December 31, 2004. The information presented on these youth is

consistent with similar studies and should be informative for any jurisdiction considering and evaluating procedures for supervising the cases of crossover youth.<sup>1</sup>

Despite growing concern over the relationship between abuse and neglect and subsequent delinquency, little is known about youth who are simultaneously involved with both child welfare and juvenile justice. These crossover youth are often subsumed in either dependency populations or delinquency populations, and, because information systems are rarely integrated across dependency and delinquency agencies, they typically are a hidden population. A small amount of extant literature on the characteristics of crossover youth concludes that these youth are more likely to experience a variety of problems such as substance abuse and mental health problems, to perform poorly at school, and to engage in crime into adulthood.<sup>2</sup>

In 2004, the Los Angeles Juvenile Court was interested in investigating the characteristics and processing of crossover youth. Building on a preexisting relationship between the Los Angeles Juvenile Court and California State University, Los Angeles (CSLA), the research described in this brief represents an expanded partnership among researchers, attorneys, court officials, and practitioners at CSLA, the Los Angeles Juvenile Court, Los Angeles County Department of Probation, the Los Angeles County Department of Children and Family Services (DCFS),<sup>3</sup> and the Children and Family Research Center at the University of Illinois at Urbana-Champaign.

#### Assembly Bill 129

With the passage of Assembly Bill 129 in 2005, counties now have an additional option for crossover youth.

Section 241.1(a) of the California Welfare and Institutions Code already required that counties have a protocol to determine whether youth who come under the jurisdiction of both the dependency and the delinquency systems should be placed in one system or the other. AB 129 amended section 241.1 to add subdivision (e), which allows each county's probation department and child welfare department, in consultation with the presiding judge of the juvenile court, to develop a written protocol permitting a youth who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court, or dual-status youth.

The goal of dual status is to provide services from both the probation department and child welfare department to families with multiple issues. Dual status also allows parents who have been found to be abusive or neglectful to be held accountable at the same time that their children's illegal

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<sup>1</sup> D. Herz & J. Ryan, *Characteristics of 241.1 Youth in Los Angeles County* (unpublished manuscript, 2005).

<sup>2</sup> G. J. Halemba et al., *Arizona Dual Jurisdiction Study: Final Report* (Pittsburgh: National Center for Juvenile Justice, 2004), [www.supreme.state.az.us/dcsd/docs/azdual\\_juri.pdf](http://www.supreme.state.az.us/dcsd/docs/azdual_juri.pdf). For a review of this literature, see Judicial Council of California/Administrative Office of the Courts, *Intersection Between Juvenile Dependency and Delinquency: Available Research* (Judicial Council of California/ Administrative Office of the Courts, 2005), <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/Ab129-FactSheetMay05.pdf>. See also T. P. Thornberry et al., "The Importance of Timing: The Varying Impact of Childhood and Adolescent Maltreatment on Multiple Problem Outcomes" (2001) 13(4) *Development and Psychopathology* 957–979; and C. S. Widom & M. G. Maxfield, "An Update on the 'Cycle of Violence,'" *National Institute of Justice Research in Brief*. (Washington, D.C.: Office of Justice Programs, U.S. Department of Justice, 2001), [www.ncjrs.gov/pdffiles1/nij/184894.pdf](http://www.ncjrs.gov/pdffiles1/nij/184894.pdf).

<sup>3</sup> The names of the child welfare agencies in individual counties vary. In Los Angeles County, the child welfare agency is the Department of Children and Family Services (DCFS).

behavior is addressed. In addition, dual status allows youth in placement who have successfully completed the terms of their probation but do not have parents with whom to reunite to be placed in foster care and have probation dismissed.

A requirement of AB 129 was that the Judicial Council prepare an evaluation of the implementation of the protocols. This evaluation is available at [www.courtinfo.ca.gov/programs/cfcc/pdf/files/AB129REPORT113007-edited.pdf](http://www.courtinfo.ca.gov/programs/cfcc/pdf/files/AB129REPORT113007-edited.pdf).

## Key Characteristics of Crossover Youth in Los Angeles County

- Compared with the proportion of girls in general delinquency populations, a high proportion of crossover youth are girls.
- African-American youth are overrepresented in crossover cases moving from dependency to delinquency.
- Approximately half of crossover youth do not regularly attend school or, when attending school, engage in behaviors that result in suspensions.
- Most crossover youth have been in the dependency system for a long period of time and, like other youth who have long stays in the child welfare system, have experienced multiple placements.
- Many crossover youth have parents who are absent from their lives or struggling with their own criminal justice, substance abuse, and mental health issues.
- At least a third of the arrests that brought these youth into the juvenile justice system occurred while they were residing in group homes.
- More than two-thirds of crossover youth have had previous contact with the juvenile justice system.
- The great majority of crossover youth have a mental health or substance abuse problem.
- Risk factors such as having a history of running away, having previous 241.1 referrals, being detained at juvenile hall after arrest, and having a substance abuse problem significantly increase the likelihood of dependent youth becoming delinquency wards after arrest.

## Overview of Data and Methods

The target population for this study was youth in Los Angeles County who originally entered the court as victims of abuse or neglect and were then formally charged with committing delinquent acts during their care in the child welfare system. At the time of this study, a dependent youth charged with a crime could not be under formal legal supervision of both the dependency and delinquency courts simultaneously.<sup>4</sup> Consequently, Welfare and Institutions Code section 241.1(a)<sup>5</sup> outlines a process for

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<sup>4</sup> As mentioned earlier, this legal requirement was addressed in the passage of AB 129 in 2005, which allows counties to develop dual-status protocols for joint supervision of crossover youth involved in both the juvenile delinquency and juvenile dependency systems.

<sup>5</sup> Unless otherwise indicated, all code references are to the California Welfare and Institutions Code.

determining whether a crossover youth entering the system as a dependent will remain under the supervision of DCFS or will be adjudicated in the delinquency court. This decision is made by a judge at a 241.1 hearing based on a joint report and a recommendation submitted by the probation department and DCFS. The possible outcomes of the 241.1 hearing include dismissal, informal probation, and formal probation. If the case is handled informally, the youth remains a dependency ward and DCFS retains primary supervision. If the case is handled formally by the probation department, the offender's dependency status is terminated and case supervision is transferred to the delinquency court. Application of section 241.1(a) is required in all California counties; however, each county is responsible for developing its own implementation protocol. In Los Angeles County, all dependent youth charged with a crime receive a 241.1 hearing. The only exception is for cases waived to the adult court. In waived cases, the 241.1 hearing is suspended until a fitness hearing for adult court is held.

Data for this study were retrieved from all 241.1 joint assessment reports for cases processed between April 1, 2004, and December 31, 2004. If a youth was referred multiple times within the time frame, the most current referral was coded for analysis, and earlier referrals were coded as prior offenses. This procedure yielded a total of 581 offenders. The information on the youth, including data on demographics, placement, education, mental health, offense characteristics, and recidivism, was abstracted from court, child welfare, and probation joint assessment reports prepared for the 241.1 hearing.

## Summary of Case Characteristics

The data captured from the 241.1 joint assessment reports provide substantial insight into “who” crossover youth are in terms of their demographics, educational status, placement histories, involvement with the juvenile justice system, and mental health and substance problems. This information, in turn, presents the opportunity to take a preliminary look at the relationship between these factors and 241.1 hearing outcomes and recidivism. The sections below summarize the results found in the Los Angeles County study.

### Demographics

Crossover youth in Los Angeles County ranged in age from 9 to 18 years, with an average age of 15.73. Youth in this study were under the care and custody of Los Angeles County DCFS for an average of 7.41 years (i.e., the time between the original sustained petition in dependency court and the current offense). Many of these youth, in fact, had been removed from the home at birth or shortly thereafter and had remained in the system since their initial removal from the home. Although the majority of crossover youth were male (67 percent), the percentage of female crossover youth was noticeably higher compared to the percentage of noncrossover female offenders who enter the juvenile justice system. For example, 25 percent of juvenile arrests in Los Angeles County in 2003 involved female offenders.<sup>6</sup> In contrast, one-third of the crossover cases involved a female offender (see Figure 1). The overrepresentation of African-American youth was also apparent in these data. Sixty-three percent of the crossover cases were African American, 28 percent were Latino, 8 percent were Caucasian, and less than 1 percent were of another race or ethnicity. African Americans represent 10 percent of the general

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<sup>6</sup> J. McCroskey, *Youth in the Los Angeles County Juvenile Justice System: Current Conditions and Possible Directions for Change* (Los Angeles: Los Angeles Children's Planning Council & Los Angeles County Board of Supervisors, 2006), [www.lapublichealth.org/childpc/resource-files/JuvJustice\\_yfa\\_Final4.20.6prot.pdf](http://www.lapublichealth.org/childpc/resource-files/JuvJustice_yfa_Final4.20.6prot.pdf).

population in Los Angeles County, 37 percent of the DCFS population, and 28 percent of all referrals to the probation department<sup>7</sup> (see Figure 2).

### **School**

With regard to school status, the majority of crossover youth (76 percent) were enrolled in school. Of those enrolled in school, however, approximately 50 percent were not regularly attending school, were exhibiting problem behaviors at school that resulted in suspensions, and were not performing well academically.

### **Placements**

Ninety-eight percent of the youth had at least one out-of-home placement, and many youth had multiple placements. Approximately two-thirds had at least one placement with a relative; the average number of placements for this setting was 1.85. Seventy-two percent of these youth were placed in nonkinship foster-care homes; the average number of placements in this setting was 3.66 placements. Sixty-two percent of these youth had at least one group home placement; the average number of group home placements was 3.22.

The case files commonly reveal that these youth were initially placed in foster care with relatives or nonrelatives until their acting out led the foster parents to request their removal. Foster-care placements were used until the youth's behaviors escalated, leading to a group home placement. Interestingly, 40 percent of the crossover youth were living at a group home at the time of their arrests. This statistic becomes critically important when the nature of arrest is considered. One-third (31 percent) of all 241.1 arrests during this time occurred at the youths' placement. Of those placement-related charges, nearly two-thirds (63 percent) of offenses occurred at a group home and 35 percent of offenses occurred in another type of placement setting (see Figure 3).

### **Involvement in the Juvenile Justice System**

With regard to the most recent offense, 40 percent of youth were charged with a violent offense (typically an assault, assault with a deadly weapon, or robbery), 28 percent were charged with a property offense, and 25 percent were charged with an "other" offense.<sup>8</sup> It is important to note that all violent offenses are not equal. Misdemeanor and felony offenses are combined in this analysis, and the charge may not reflect the actual context of the situation in which the offense occurred. As one example, a youth was charged for throwing an unripened avocado at a group home staff member. A lack of clarity surrounding an arrest charge is important and highlights the need to look beyond final charge data to better understand each unique incident.

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<sup>7</sup> Los Angeles County estimates were taken from U.S. Census Bureau estimates for 2005 (<http://quickfacts.census.gov/qfd/states/06/06037.html>) and *L.A. Stats, 2007*, produced by the Los Angeles County Economic Development Corporation ([www.laedc.org/reports/LAStats-2007.pdf](http://www.laedc.org/reports/LAStats-2007.pdf)). DCFS statistics were taken from DCFS's December 2004 Child Welfare Services fact sheet ([http://dcfs.co.la.ca.us/aboutus/fact\\_sheet/DRS/Dec\\_2004/Fact\\_Sheet.htm](http://dcfs.co.la.ca.us/aboutus/fact_sheet/DRS/Dec_2004/Fact_Sheet.htm)), and the 2004 probation numbers were provided to Dr. Herz from the Los Angeles County Probation Department. Cautionary note: Because of the data currently available from DCFS, comparisons are made to all cases, including those of children aged 0–9. The proportion would probably differ in many categories if totals were limited to children who were age 10 and older.

<sup>8</sup> The "other" category included offenses such as vandalism, disturbing the peace, obstructing a police officer, warrant, and violation of probation.

Subsequent to arrest, slightly more than 50 percent of these youth were detained in juvenile hall for at least one day. With regard to prior offenses, 68 percent had some type of previous contact with the juvenile justice system.

### **Mental Health and Substance Abuse Problems**

The 241.1 joint assessment reports provided a unique opportunity to measure the prevalence of mental health and substance abuse problems among crossover youth in that they provided DSM-IV diagnoses or lists of symptoms that were identified as warranting further attention. This measure is not perfect because not all youth received a mental health assessment as part of the 241.1 process; however, the consistency with which this was addressed in the reports provides some baseline of prevalence.

The majority of youth were associated with at least one mental health or substance abuse problem. Only 17 percent had no indication of a problem, 28 percent of youth had a mental health problem without mention of a substance abuse problem, 17 percent had a substance abuse problem without mention of a mental health problem, and 38 percent had both mental health and substance abuse problems, referred to as a dual diagnosis (see Figure 4). These findings parallel those in the child welfare and juvenile justice literature, which indicate that the prevalence of mental health and substance abuse problems among this population is higher than that of the general population.<sup>9</sup>

### **241.1 Hearing Outcomes**

Only 10 percent of youth had their delinquency cases dismissed by the court at their 241.1 hearing. The majority of youth remained dependency wards with informal probation (61 percent) and approximately one-third (29 percent) became delinquency wards.

Regression analyses were completed to assess which characteristics were significantly related to youth receiving the most severe disposition, becoming a delinquency ward. The following risk factors significantly increased the likelihood of becoming a delinquency ward:

- Living with a relative or in a group home (versus living in a foster-care placement);
- Having a history of running away from a placement;
- Having previous 241.1 referrals;
- Being detained at juvenile hall after arrest; and
- Having a substance abuse problem.

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<sup>9</sup> G. A. Wasserman et al., *Assessing the Mental Health Status of Youth in Juvenile Justice Settings*. NCJ 202713 (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2004), [www.ncjrs.gov/pdffiles1/ojjdp/202713.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/202713.pdf); A. E. Kazdin, "Adolescent Development, Mental Disorders, and Decision Making of Delinquent Youths," in *Youth on Trial: A Developmental Perspective on Juvenile Justice*, ed. T. Grisso & R. G. Schwartz, 33–65 (Chicago: University of Chicago Press, 2000). J. J. Cocozza & K. R. Skowrya, "Youth With Mental Health Disorders: Issues and Emerging Responses" (2000) 7(1) *Juvenile Justice* 3–13, [www.ncjrs.gov/pdffiles1/ojjdp/178256.pdf](http://www.ncjrs.gov/pdffiles1/ojjdp/178256.pdf).



## Recidivism

Recidivism data were retrieved for the time period between April 1, 2004, and December 31, 2005.<sup>10</sup> The overall recidivism rate for this population was 28 percent.<sup>11</sup> Recidivism rates significantly differed when levels of risk were considered, however. Risk levels were determined based on a list of characteristics derived from the broader research on risk factors and delinquency. Risks included such items as doing poorly at school, family conflict, and gang affiliation or affiliation with delinquent peers. Thresholds for low, moderate, and high risk were drawn subjectively by the authors based on the distribution of risks among the sample. Low-risk youth had 5 or fewer risk factors; moderate-risk youth had between 6 and 10 risk factors; and high-risk youth had 11 or more risk factors. When recidivism rates were evaluated by risk factors, low-risk offenders had a recidivism rate of 23 percent, moderate-risk offenders had a rate of 28 percent, and high-risk offenders had a rate of 39 percent. Recidivism rates also varied by level of treatment need (i.e., need for mental health or substance abuse treatment): low-need offenders had a rate of 19 percent while both moderate- and high-need offenders had a rate of 30 percent (see Figure 5).

## Study Implications

Taken together, these results provide substantial insight into the unique characteristics of crossover youth and changes the juvenile court should consider to improve its responses to the challenges they pose. Drawing on the study findings, the researchers offer some key recommendations:

- Identify dependents at risk for delinquency. Crossover youth in this study had been in the dependency system, on average, for slightly more than seven years. This finding stresses the need to develop or enhance prevention efforts within child welfare agencies to identify as early as possible children who are at risk for crossing over into delinquency. Once they are identified, child welfare should stabilize placements for these youth and make sure they receive appropriate services that reduce their risk of delinquency and other problem behaviors in the future.
- Focus on treatment. The mental health and substance abuse treatment needs of dependent youth who become delinquency wards make it important that (1) they receive treatment as soon as possible while in the care of child welfare and (2) any treatment they are receiving continue without interruption if and when they enter the juvenile justice system.
- Refocus attention on family. Many of the youth in out-of-home care have parents who are absent from their children's lives or struggling with criminal justice, substance abuse, or mental health issues. The family's long history of problem behavior often destroys relationships with relatives living in the area. Consequently, it may be necessary for social workers and probation officers to find extended family members in other areas who could provide permanency for these youth and to find innovative ways to strengthen their bonds with significant adults who may not be relatives.

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<sup>10</sup> Recidivism was measured by determining whether study youth received any new charges following the initial offense. This measure does not account for how the charges were adjudicated (i.e., dismissed or otherwise).

<sup>11</sup> The data currently do not provide a way to account for "time at risk" for recidivism. A certain percentage of these offenders, for instance, were placed in correctional facilities for some portion of time after their dispositions. In these cases, youth would not be "at risk" for recidivism, and, as a result, the recidivism rates presented above could be artificially low.

- Improve the overall quality of placements available to crossover youth. There should be an ongoing effort to identify and provide appropriate and stable placements for youth with high levels of risk and high levels of treatment need. Unfortunately, placements for these youth are often based on the availability of space and a facility's willingness to serve them. Data on the poor outcomes of youth in group homes related to arrest, delinquency, and recidivism should be carefully considered when considering restrictive placements.
- Expand the use of substance abuse evaluations and substance abuse treatment options available to participants. Access to substance abuse treatment needs substantial improvement, and treatment options should be reflective of participants' level of need. In particular, emphasis should be placed on co-occurring treatment programs. As shown in Figure 4, nearly 40 percent of the study sample had problems with both mental health and substance abuse.
- Evaluate services. It is imperative that more research be completed on "what works" for these youth. Crossover youth present complex histories and needs to two systems that typically do not share the same philosophies or services. Although this study helps understand "who" this population is, the extent to which particular types of services are effective with this population remains unclear.

### Additional Practices to Improve Services to Crossover Youth

Research on services in child welfare and juvenile justice suggests several approaches to improve services for crossover youth that were not directly addressed in the study:<sup>12</sup>

- When youth do cross over, it is imperative that agencies communicate with one another and collaborate as much as possible. Crossover youth present complex backgrounds and problems that neither the dependency nor the delinquency system can address individually; thus, it is necessary that agencies work together to address the risks and needs of these youth. Specifically, child welfare agencies, probation departments, mental health departments, health services, and educational agencies must continue current efforts or develop ways to work together to address the needs of crossover youth.
- Improve assessment by making it comprehensive, standardized (when appropriate), and structured. Standardized assessment tools should be used to assess risk, protective, and need factors, and structured decision-making tools should be used to guide decisions about services relative to risk and need. Based on the outcomes of these tools, a structured individualized case plan should be prepared for all youth that explicitly lays out goals and objectives related to appropriate behavior, treatment, placement, and school.
- Integrate or share data from agency information systems. Records of assessment information, case plans, program activities, and program progress should be maintained in one file rather than scattered across agencies.
- When possible, social workers and probation officers should access evidence-based programming to provide family counseling and support for these youth and their parents, legal

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<sup>12</sup> For a review of these issues, see D. C. Herz & J. P. Ryan, *Building Multisystems Approaches in Child Welfare and Juvenile Justice* (Washington, D.C.: Georgetown University Public Policy Institute, Center for Juvenile Justice Reform, in press).



guardians, or foster parents. Such programming includes, but is not limited to, family functional therapy, multisystemic therapy, and multidimensional treatment foster care.

- Increase the availability and use of cognitive behavioral therapy (CBT) in youth case plans. CBT has been established as an evidence-based program and is well suited to address the complex needs of crossover youth.

## Conclusion

The California State Legislature passed AB 129 after this study was completed. AB 129 was in part a response to increasing concerns about the termination of a crossover youth's dependency status, especially in cases where a youth successfully completes probation prior to his or her 18th birthday. Without the dual-status option created by AB 129, youth who do not have a safe home to which to return could potentially remain in a probation department placement longer than necessary. With the enactment of AB 129 in 2005, California counties were given an additional option in dual-jurisdiction approaches. In other words, AB 129 allows youth to simultaneously retain both a dependency and a delinquency status in counties that officially developed a 241.1(e) protocol (i.e., a memorandum of agreement signed by the court, probation department, and local child welfare agency).

In response to this study, the Los Angeles County Juvenile Court took two steps toward improving its handling of crossover youth. First, a youth drug court was established for youth in the care of DCFS. This is a voluntary program for youth who exhibit signs of drug misuse, abuse, or dependency. It attempts to address drug use as early as possible and to prevent problem behavior from escalating. Second, as of the time of this writing the Los Angeles Juvenile Court is piloting a multidisciplinary team (MDT) approach in response to AB 129. It specifically chose this approach to address several of the issues raised in this report. For instance, the multidisciplinary team formalizes interagency communication and collaboration by involving probation, DCFS, the Department of Mental Health, and an educational liaison as full-time members of the team. The team uses a standardized risk/need assessment tool to identify the risk and need levels of an offender. Members work together to comprehensively design a case plan for each youth and to link the youth to evidence-based programming whenever possible. Additionally, the MDT monitors the case plan and assesses whether the plan is being implemented appropriately and whether it is successful.

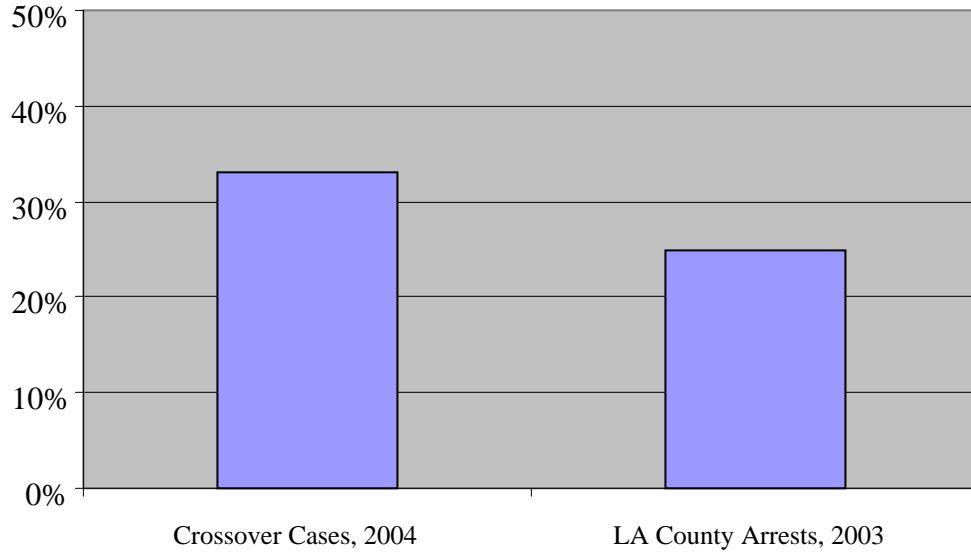
Several other counties have developed 241.1(e) dual-status protocols.<sup>13</sup> Collaboration among agencies is critical to the effective management of dual-status cases. Evaluation of these protocols will help California better understand what is necessary to make dual status work in individual counties.

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<sup>13</sup> For a list of counties with developed 241.1(e) protocols, see [www.courtinfo.ca.gov/programs/cfcc/programs/description/AB129-CountyList.htm](http://www.courtinfo.ca.gov/programs/cfcc/programs/description/AB129-CountyList.htm).

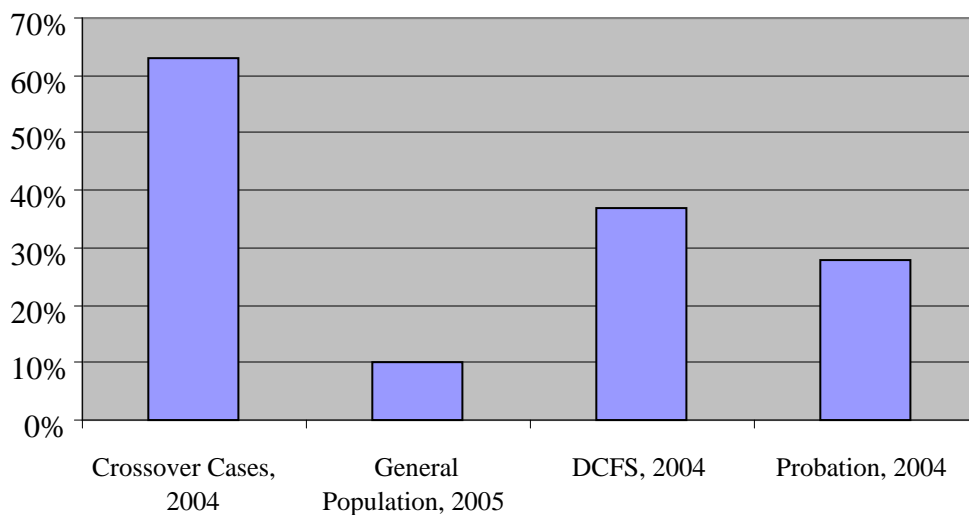
**Figure 1. Comparison of Female Crossover Cases and All Los Angeles County Arrests**

(N = 581)



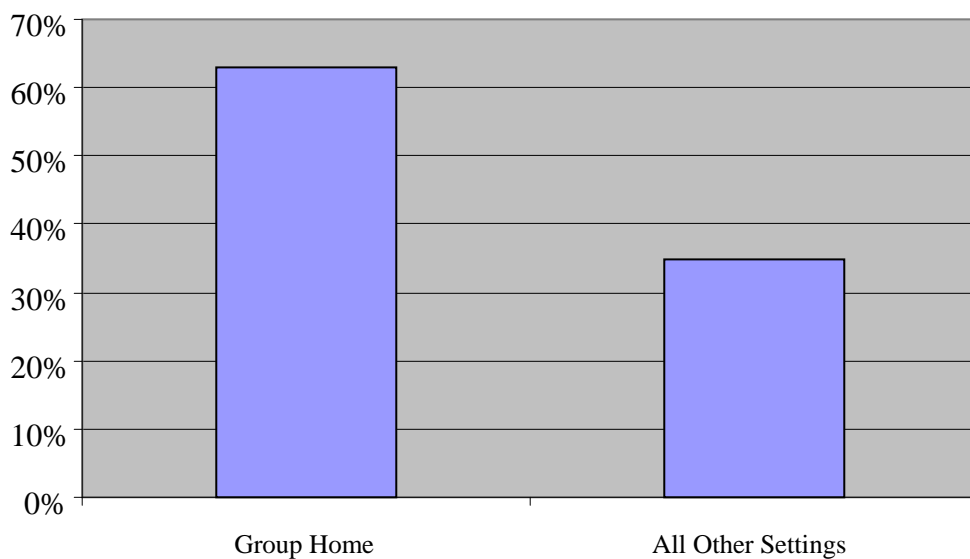
**Figure 2. Comparison of African-American Youth in the Crossover Population With Los Angeles County's General, DCFS, and Probation Populations**

(N = 581)



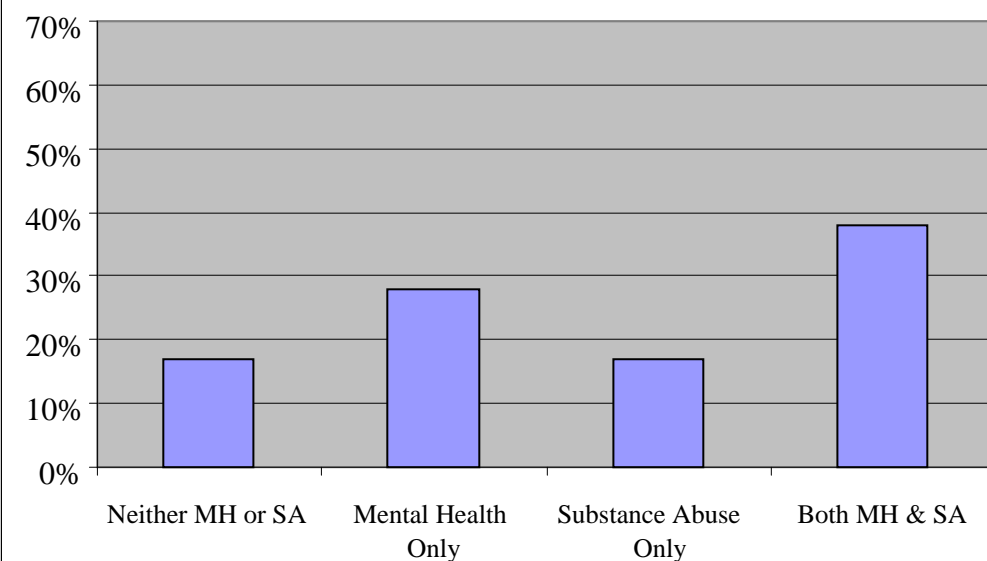
**Figure 3. Comparison of Placement-Related Offenses Occurring at Group Home and All Other Settings**

(N = 172)



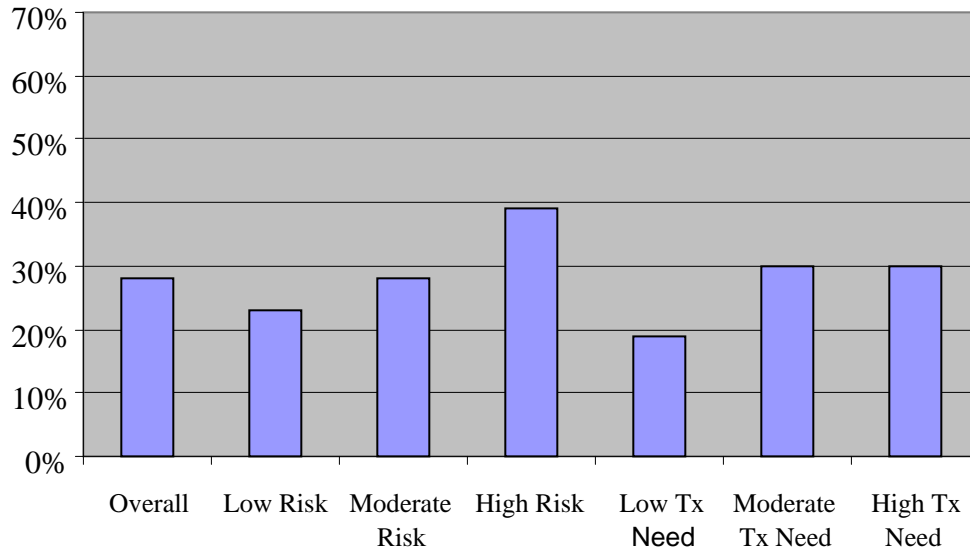
**Figure 4. Prevalence of Mental Health (MH) and Substance Abuse (SA) Problems in Crossover Youth**

(N = 581)



**Figure 5. Recidivism—Overall, Risk of Reoffending, and Need for Mental Health and Substance Abuse Treatment (Tx)**

(N = 581)



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